

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

STANLEY PIESESKI and PATRICK KOST,)	
)	
Plaintiffs,)	2:01-cv-993
v.)	
)	
NORTHROP GRUMMAN CORPORATION and)	
NORTHROP GRUMMAN ELECTRONIC)	
SENSORS & SYSTEMS DIVISION)	
PENSION PLAN,)	
)	
Defendants.)	

ORDER OF COURT

AND NOW, this 30th day of June, 2006, following the filing of PLAINTIFFS' MOTION FOR JUDGMENT (Document No. 107), and after a Report and Recommendation was filed by the United States Magistrate Judge which granted the parties ten days after being served with a copy to file written objections thereto, and upon consideration of the objections filed by the Plaintiff (which include new subtleties which are untimely and nevertheless appear to be without merit) and the Defendants' responses to those objections, and upon independent review of the Motion and the record, and upon in depth consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

It is **ORDERED, ADJUDGED and DECREED** that Plaintiffs' Motion for Judgment is **GRANTED IN PART and DENIED** as follows:

- (1) It is declared that the implementation of the 1994 Amendment was in violation of §§ 204(g) and 208 of ERISA, 29 U.S.C. §§ 1054(g) and 1058;
- (2) For all class members who have satisfied the pre-Amendment conditions for the PJS Pension, Judgment is hereby entered for the difference between the PJS Pension benefits they should have received and the pension benefits they actually

received, together with pre-judgment and post-judgment interest at the statutory rate set forth in 28 U.S.C. §1961, subject to an offset/credit to Defendants for severance benefits already paid to said qualified class members;

- (3) Plaintiffs' request for an Order to require Defendants to provide and/or recompense the class members for retiree medical and life insurance benefits and any other benefits that accompanied the PJS Pension is **DENIED**; and,
- (4) Plaintiffs' request for costs, expenses and attorney fees is **DENIED WITHOUT PREJUDICE**.

It is further **ORDERED** that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if any party desires to appeal from this Order, they must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.

BY THE COURT:

s/ Terrence F. McVerry
United States District Court Judge

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Honorable Amy Reynolds Hay
United States Magistrate Judge